

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: Original
POSITION: Neutral

BILL NUMBER: AB 141
AUTHOR: F. Fuentes

BILL SUMMARY: Jurors: Electronic Communications

This bill would require the court, when admonishing the jury against conversing about a trial, to clearly explain, as part of the admonishment, that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices.

FISCAL SUMMARY

The Judicial Council indicates that there would be no costs related to this bill.

The California Constitution requires the state to reimburse local entities for increased costs associated with any new program or higher level of service imposed by the state on local entities if the Commission on State Mandates determines that the new program or higher level of service is reimbursable and a state mandate. Any local government costs resulting from the mandate in this measure would not be state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

COMMENTS

The Department of Finance is neutral on this bill. Existing law requires the court in a jury trial to admonish the jury that it is their duty not to converse with, or permit themselves to be addressed by, any other person on any subject of the trial, as specified. This bill would expand those admonishments to include the conduct of research or dissemination of information on any subject of the trial. This bill would also require the court, when admonishing the jury against conversing about a trial, to clearly explain, as part of the admonishment, that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices and require the officer in charge of a jury to prevent any form of electronic or wireless communication. This bill would make the willful disobedience by a juror of a court admonishment related to the prohibition on any form of communication or research, punishable by either a civil criminal contempt of court.

We note that similar legislation through AB 2217 (Fuentes) was vetoed in 2010 because it was deemed unnecessary as the admonishment could be handled through court rules rather than statute. However, the Judicial Council indicates that this bill is necessary because the jurors' use of electronic devices during the course of a trial is becoming an increasingly significant threat to the integrity of the justice system and the Judicial Council believes that a clear statutory directive that the admonishments include modern technological means of communications is needed. The Judicial Council also indicates that the statutory directive that the admonishments include modern clarification that violators may be held in contempt of court would provide the court with necessary enforcement tools for use in appropriate cases.

Analyst/Principal (0211) J. Osborn	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

F. Fuentes

Original

AB 141

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	Code
0250/Jud Branch	SO	No	-----	No/Minor	Fiscal Impact	-----			0001
8885/Comm St Mndt	LA	No	-----	No/Minor	Fiscal Impact	-----			0001